

EXHIBIT D

1 IN THE UNITED STATES DISTRICT COURT
2 DISTRICT OF NEW JERSEY
3 CAMDEN VICINAGE

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5 IN RE: VALSARTAN, LOSARTAN, AND MDL No. 2875
6 IRBESARTAN PRODUCTS LIABILITY LITIGATION

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8 THIS DOCUMENT RELATES TO ALL CASES

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11 * CONFIDENTIAL INFORMATION *
12 * SUBJECT TO PROTECTIVE ORDER *

13 Wednesday, September 29, 2021

14 Volume I of II

15 VIDEOTAPED ORAL DEPOSITION OF

16 HERMAN J. GIBB, Ph.D., M.P.H.,

17 conducted at the law offices of Greenberg Traurig,
18 LLP, 2101 L Street, NW, Washington, DC 20037,
19 commencing at 9:05 a.m. EDT, on the above-referenced
20 date.

21 Reported by: Linda S. Kinkade, RDR CRR RMR RPR CSR

22

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<p>Page 58</p> <p>1 Preheater, Incorporated?</p> <p>2 A. I wasn't in it.</p> <p>3 Q. Is that another one where you provided</p> <p>4 expert testimony on behalf of the defendants?</p> <p>5 A. I provided -- yes.</p> <p>6 Q. Okay. And the defendant there was -- were</p> <p>7 you retained to provide expert testimony on behalf of</p> <p>8 AB Preheater, Incorporated?</p> <p>9 A. It wasn't AB Preheater, I don't believe. I</p> <p>10 don't recall who the defendant was.</p> <p>11 Q. Was it a manufacturer or a producer?</p> <p>12 A. I don't recall.</p> <p>13 Q. But you do recall it was on behalf of a</p> <p>14 defendant?</p> <p>15 A. I recall on behalf of defendant, yes.</p> <p>16 Q. Let's take a look at LP 1569. This will be</p> <p>17 marked as Exhibit 5.</p> <p>18 (Exhibit 5 marked for</p> <p>19 identification.)</p> <p>20 Q. Actually what we see here is the "ASA</p> <p>21 Statement on p-values: Context, Process and Purpose."</p> <p>22 You've reviewed this article before today, correct?</p> <p>23 A. I don't recall that I have actually.</p> <p>24 Q. Okay. Let's take a look at the fourth</p> <p>25 page. At the top it says, "ASA Statement on</p>	<p>Page 60</p> <p>1 A. Not specifically, no.</p> <p>2 Q. Okay. And were you aware that</p> <p>3 scientific -- some scientific journals had discouraged</p> <p>4 the use of p-values?</p> <p>5 A. I'm not aware that -- I mean, no, I'm not</p> <p>6 aware of that. Most journals will ask for statistics.</p> <p>7 Q. Were you aware that in the last five years</p> <p>8 the New England Journal of Medicine will commonly</p> <p>9 discourage including p-values in publications?</p> <p>10 A. I'm not aware of the New England Journal of</p> <p>11 Medicine doing that, no.</p> <p>12 Q. Let's take a look at number -- the third</p> <p>13 principle. It says, "Scientific conclusions and</p> <p>14 business or policy decisions should not be based only</p> <p>15 on whether a p-value passes a specific threshold."</p> <p>16 Would you agree with that principle?</p> <p>17 A. I think that -- it says "only," which, I</p> <p>18 think -- which is the operative word there, only on</p> <p>19 p-value, and, you know, you can't -- at some point you</p> <p>20 have to use some objectivity as to where you're</p> <p>21 drawing the line.</p> <p>22 So it still is a valuable tool. It will be</p> <p>23 continued to be used. I haven't seen -- and I</p> <p>24 peer-review a number of journal articles -- and I</p> <p>25 haven't seen any articles that don't have p-values in</p>
<p>Page 59</p> <p>1 Statistical Significance and p-values."</p> <p>2 A. Right.</p> <p>3 Q. Doctor, what is the ASA?</p> <p>4 A. American Statistical Association.</p> <p>5 Q. Have you reviewed this ASA statement in</p> <p>6 2016 -- from 2016?</p> <p>7 A. I don't recall that I have.</p> <p>8 Q. Okay. Let's highlight a couple things from</p> <p>9 the statement. The second paragraph says (as read):</p> <p>10 Underlining many published scientific</p> <p>11 conclusions is the concept of</p> <p>12 statistical significance, typically</p> <p>13 assessed with an index called the</p> <p>14 p-value. While the p-value can be a</p> <p>15 useful statistical measure, it is</p> <p>16 commonly misused and misinterpreted.</p> <p>17 This has led to some scientific</p> <p>18 journals discouraging the use of</p> <p>19 p-values, and some scientists and</p> <p>20 statisticians recommending their</p> <p>21 abandonment, with some arguments</p> <p>22 essentially unchanged since p-values</p> <p>23 were first introduced.</p> <p>24 Were you aware of these issues being raised by</p> <p>25 the ASA?</p>	<p>Page 61</p> <p>1 them.</p> <p>2 So it's probably not the only thing you want to</p> <p>3 look at, but it is -- it is certainly what is commonly</p> <p>4 used in epidemiologic studies and it will continue to</p> <p>5 be used.</p> <p>6 Q. Next it says, "Practices that reduce data</p> <p>7 analysis or scientific inference to mechanical</p> <p>8 bright-line rules (such as p less than .05) for</p> <p>9 justifying scientific claims or conclusions can lead</p> <p>10 to erroneous beliefs and poor decision-making. A</p> <p>11 conclusion does not immediately become true on one</p> <p>12 side of the divide and false on the other."</p> <p>13 Do you see that?</p> <p>14 A. I see that.</p> <p>15 Q. Do you agree with that statement?</p> <p>16 A. I think this statement is qualified by</p> <p>17 saying that it can lead to erroneous beliefs and poor</p> <p>18 decision-making, conclusions and so forth, the rest of</p> <p>19 what you read.</p> <p>20 And I think it's something that people should</p> <p>21 be aware -- scientists should be aware of, but it's</p> <p>22 not going to stop the use of p-values because you</p> <p>23 can't -- you have to have some level of objectivity as</p> <p>24 to where -- as to how you're making your conclusions.</p> <p>25 So it's something that, I think, scientists</p>